

Margaret P. Grafeld, Director

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Exemption(s): B6

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(TRANSLATION)

LS NO. 65031 - C

MEMORANDUM

To: Major General Leopoldo Galtieri
Chief of the Second Corps of the
Argentine Army

Evidence and documents regarding the detention of Epifanio Méndez
Fleitas and his son Epifanio Méndez Vall:

1. Events Leading Up to Both Persons' Detention

On Thursday, October 6, Epifanio Méndez Vall, a 24-year-old Paraguayan citizen, was traveling with the editor of Noticuer, an independent publication where he worked as a feature writer/ and photographer, on routine duties. At approximately 11 p.m. the car in which they were traveling was stopped in front of the Hotel Nogaró by police officers for a traffic violation. During an exchange of words between the driver and the officer who asked for pertinent identification, the occupants of the car were taken to the Second Precinct of the Federal Police, the precinct station for that area.

After being identified, Epifanio Méndez Vall was released during the morning of Friday, October 7. However, in mid-afternoon the same day two uniformed police officers appeared at Méndez Vall's home to inform him that he had to return to the police station in order to correct the document he had signed for his release (Exhibit 1: cassette, side B, annexed hereto). When he returned from work about 8:30 p.m. -- he had gone back to work that morning -- he went to the Second Precinct with his father Epifanio Méndez Fleitas in response to the police request.

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Both were detained, remaining incommunicado in those quarters under military jurisdiction; accused of having ties with an Argentine extremist organization and of being members of an organization of Paraguayan workers according to the reply to the habeas corpus petition filed on their behalf on Monday, October 10, and, according to the reply to another habeas corpus petition filed on Thursday, October 13, accused of being members of the ERP and PRT extremist organizations (See annexed envelope 1 for additional evidence).

From their detainment on October 7 until Thursday, October 13, they were held at the police precinct. On Friday, October 14, when Mrs. Fredelinda Vall Méndez went there to take them food and clothing, she was told that they had been transferred. Since that time their whereabouts have been unknown to their relatives (Envelope 1 rejoinder to the Judge).

2. Steps Taken to Clarify the Motives and Situation of Both Persons

a. Civil Courts: On Monday, October 10, Major (DEM/R) Jesús María Villamayor filed a petition for habeas corpus for both detainees in the Court presided over by Acting Judge Tabares, in Dr. Macchi's clerk's office. The reply to the habeas corpus petition was that they were being held under military authority on charges of having ties with the subversive ERP organization and of being members of an organization of Paraguayan workers. On Thursday, October 13, Juan Bernardino Méndez Vall filed a habeas corpus petition for both parties. The Ministry of Interior replied that no arrest order had yet been issued by the National Executive Authority. The Federal Police's reply is contained in the "last minute" testimony (Envelope 1). The reply was supplemented by the report of the Commander in Chief of the Army saying that the Army had no record of the parties concerned (Testimony,

envelope 1). The said habeas corpus was contested within the requisite 24 hours on October 26 (envelope 1).

All Civil Court proceedings, meaning the actions instituted and results, were made known to the competent judges of the Federal Chamber as well as to the civilian and military authorities of the Argentine Republic and international organizations.

b. Telegrams and letters were sent to the civilian and military authorities of the Argentine Republic. Documentation on the case was delivered to the respective authorities together with other documents proving the persecution across national borders to which we are systematically subjected by the current regime in power in Paraguay (Envelope 2: documentation on this point).

On Monday, October 17, we were granted an appointment in the President's Private Staff Office where we reported on and furnished documents regarding this and similar previous cases.

c. Owing to the fact that for many years Epifanio Méndez Fleitas has maintained relations with international organizations and well-known persons of indubitable democratic affiliation, the following organizations, well-known persons, and foreign governments have taken an interest in this case:

Organizations

1. United Nations (the UN's Commission on Human Rights gave priority consideration to the case);

2. The Commission on Human Rights of the OAS gave immediate attention to the case since Epifanio Méndez currently heads the Republican National Association, an exile organization recognized by the Organization of American States (Envelope 3: testimony);

3. Amnesty International made a television report on the case on United States television and has also granted it priority attention;

4. The International Red Cross was informed and sent documentation. We do not know what action it has taken;

5. The Charles de Gaulle Institute of which Epifanio Méndez is an honorary member and literary contributor to Espoir, the Institute's official organ, was informed and sent documentation on this matter (Envelope 4);

6. The ICFTU (International Confederation of Free Trade Unions) of which the Paraguayan Confederation of Workers in Exile (CPTE) is a fraternal member, was for that reason informed;

7. The ILO (International Labor Organization) was informed and sent documentation by CPTE;

8. The ORIT (Inter-American Regional Organization of Workers of the (ICFTU) was informed and sent documentation by CPTE;

9. The CTV (Confederation of Workers of Venezuela) was informed by CPTE;

10. The Journalists' Association of the Republic of Ecuador;

11. The Episcopal Council of the Republic of Argentina, was informed and agreed to take steps on behalf of both prisoners;

12. The oral, written, and televised press of Rio de la Plata was informed and sent documentation;

13. The European and United States press was informed and sent documents, and they informed the public of these facts.

Foreign Governments with which unofficial cordial relations are maintained

1. The Office of the President, Department of State, Senate, House of Representatives, California State Government, and United States Embassy in Argentina were informed and have taken action on the matter. Cordial relations have been maintained with the Carter Administration (See envelope 5);

2. The Government of the Federal Republic of the United Mexican States was informed and sent documentation;

3. The Government of the Republic of Colombia was informed and sent documentation;

4. The Government of Venezuela was informed and sent documentation and has taken a special interest in the case;

5. The Government of Costa Rica was informed and sent documentation;

6. Council of Ministers and Parliament of Sweden.

Academia

1. Newcomb College of Tulane University, New Orleans, U.S.A.;
2. Collegium pro America Latina of Belgium;
3. Stanford University, California, U.S.A.;
4. Sorbonne, France

A petition will be sent shortly to the President of Argentina from the Paraguayan community in the country and from personal friends of the detainees (Envelope 6, sample).

3. Replies to our demands There is no information other than that referred to and stated to date.

4. Background and personality of the prisoners

Epifanio Méndez Fleitas See cover of the book Ideologías de Dependencia y Segunda Emancipación [Ideologies of Dependence and Second Emancipation.] Envelope 7 contains several periodicals attesting to Epifanio Méndez' ideological persuasion and also several photocopies of periodicals

opposing our Party which prove Méndez' Colorado militancy (Envelope 8, photocopy O.I. Missions).

Méndez is also author of the following books: Bajo la verde arboleda [Under the Green Grove] (poems and stories); El valor social de la Historia [The Social Value of History] (philosophical essay); El orden para la libertad [Order for Freedom] (politics and history); Batallas por la democracia [Battles for Democracy] (collection of newspaper editorials written by him and by Dr. Osvaldo Chaves); Ordenamiento Económico y Financiero [Economic and Financial Order] (treatise on the Paraguayan economy); Diagnosis paraguaya [Paraguayan Diagnosis] which can be considered his leading work (historical-political-economic work); Sicología del Colonialismo [Psychology of Colonialism] (sociological essay); Ideologías de Dependencia y Segunda Emancipación [Ideologies of Dependencies and Second Emancipation] (sociological lecture), and Lo histórico y lo antihistórico en el Paraguay [Historic and Anti-historic in Paraguay] (historical documentary). (We are enclosing four works.)

Musician and poet, composer of over 40 musical works (Envelope 9).
Founding member of Associated Paraguayan Authors (APA).

Exiled from 1956 to 1973 in the Oriental Republic of Uruguay, he moved to Buenos Aires with his entire family where he has since resided at [] His residence has been known to the Civil Courts since July 13, 1976. B6

As a composer and musician he recorded a long-playing record with the San Solano Group which was released this year in Buenos Aires (record is enclosed). Mr. Méndez Fleitas has sent many of his literary and musical works to distinguished Argentinians and foreigners (Envelope 10).

Epifanio Méndez Vall Born at Asunción, Paraguay, on March 9, 1953, he moved to Montevideo, Uruguay, with his family in 1959. He attended the José Pedro Varela Secondary School No. 5 in Montevideo and completed preparatory studies in engineering at the Alfredo Vázquez Acevedo Institute in the same city. He moved to Argentina with his parents and brothers and enrolled at the Engineering School of Córdoba, Argentina, in 1974. When personal circumstances forced him to abandon his studies, he returned to Buenos Aires where he lived in his parents' house. His political involvement is limited to joining the Colorado Youth in Exile. As a member of Colorado Youth he was a delegate to the organization's congress in July 1974 where he and 50 other youths were arrested by the police as the result of a false denunciation. They were absolved of blame and cleared of charges for that "offense." He is currently pursuing a career as a journalist and is beginning to work as a feature writer and photographer for Noticuer,^a publication of the leather industry. He has a degree in drafting but supports himself as a photographer.

5. Remarks on the Case

We learned from the officers who went to get Epifanio Méndez Vall on Friday, October 7, to have him come to the Second Precinct to "correct his file," that a Paraguayan military delegation led by General Prieto Bustos of the Military College happened to be staying at the Hotel Nogaró. We wonder why he would have been released on Friday, October 7, if [a warrant for his] arrest dated November 29, 1976 existed.

We also wonder how one can believe that a warrant for Epifanio Méndez Fleitas' arrest existed in a district of the Argentine Army, on no lesser charges than having subversive ties, and yet he had not been sought earlier

at his home. Since everyone is aware of the effectiveness of the security authorities of the Republic of Argentina, it is difficult to believe that someone accused of being a subversive must go to them to be taken, particularly when the accused person's home address is public knowledge.

We further wonder how it is possible that a warrant for Méndez Fleitas' arrest could be entered in the La Plata Register, Page 28, dated February 13, 1975, Article 1(1), at the request of the Santa Delegation of the Federal Police in document S.F. 411, and yet the Federal Police failed to make the arrest when Mr. Méndez Fleitas was detained at Police Headquarters on an immigration matter from July 8 to 13, 1976.

The questions all but answer themselves. We believe that they must be considered carefully by the Argentine authorities in order to satisfy justice.

We who for more than 20 years have lived in exile and know the psychology and the power of Stroessner's tyranny would not be surprised if these libelous accusations are based on information from that regime. After repeatedly abusing the good faith of the authorities of friendly countries, it has used them to pursue across borders its unrelenting enemies. In the incident which concerns us we point to the strange coincidence of the presence of Paraguayan authorities so close to the chance traffic violation of the vehicle in which Epifanio Méndez Vall was traveling.

We, who have always abided by the cardinal principle of defense of national sovereignty, are faced with the entreguista ["sell out"] conduct of the current regime which governs our country and is set forth in the Itaipú Treaty. In 1966 dissident Colorados proclaimed: "The Sapena Pastor-Magalhaes Agreement on the Guayra Falls is contrary to the interests of

Paraguay and contrary to American solidarity." That historic pronouncement foresaw today's problems in reconciling the interests of the nations of the La Plata Basin and it advocated the system of multilateral negotiations among the countries bordering the Paraná affected by the said Treaty. This position, long staunchly maintained by the historic Colorado movement has been and still is the cause of systematic persecution by the Stroessner regime -- tied by powerful interests to a foreign country -- of those of us who maintain it. The childish and recurrent claim that we are involved in subversive activities or associated with extremist organizations is part of the strategy to destroy or silence us. Paraguay, America, and the world are aware of the historic basis of our ideology which is incompatible with totalitarian methodologies and systems, of the extreme left or right. They are also aware of our uncompromising respect for the principle of nonintervention in matters affecting the internal policy of other States.

On the basis of this memorandum, evidence, and documents, as well as information on steps taken and our modest remarks on the case, we believe that we have sufficiently helped the military authorities to clarify the situation of Epifanio Méndez Fleitas and Epifanio Méndez Vall.

After submitting to your Command these clarifications and proof of the thought, conduct, and intellectual and human worth of Epifanio Méndez Fleitas and Epifanio Méndez Vall, we invoke the inalienable right of petition and the universally sacred principles of the Declaration of Human Rights so that Your Excellency may give orders to the appropriate official under your jurisdiction for the immediate release of the said persons.

Fully confident that you will render a just decision, we remain,

Respectfully,

[Signature]

Fredelina Vall Méndez

[Signature]

Juan Bernardino Méndez

[Signature]

José Liberto Méndez